<u>REMARKS</u>

The Office Action dated July 27, 2007 has been received and carefully noted. Claims 1-20 are currently pending in the subject application and are presently under consideration. Claims 14-16 were rejected under 35 U.S.C. §101 and claims 1-20 were rejected under 35 U.S.C. §112, first paragraph.

Claims 11 and 14 have been amended herein. Support for the amendments may be found in at least paragraphs 0014 and 0027 of the Specification. A listing of claims can be found on pages 2-5 of this Reply.

Favorable reconsideration of the pending claims is respectfully requested in view of the comments and amendments herein.

I.   <u>Rejection of Claims 14-16 Under 35 U.S.C. §101</u>

Claims 14-16 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. The Examiner asserts that "because the Applicant was once including the 'radio frequency link' in the examples for the machine readable medium … the Applicant has to explicitly disavow such embodiment by stating it in the remarks" to overcome the rejection (*See* Office Action dated July 27, 2007, pg. 4). As requested, the Applicant disavows the radio frequency link example, deleted in the previous amendment to the Specification (*See* Reply to Final Office Action dated March 22, 2007, pg. 3). Accordingly, withdrawal of this rejection is respectfully requested.

II.   <u>Rejection of Claims 1-20 Under 35 U.S.C. §112, First Paragraph</u>

Claims 1-20 stand rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. It is requested that this rejection be withdrawn for at least the following reason. The Applicant's Specification describes the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention (*See* MPEP §2163).

The Examiner contends that the Specification fails to disclose "preventing a read of the pointer from the known location by any operating system supported process, **permanently**" of independent claim 1, and as similarly claimed in independent claims 5 and 8 (*See* Office Action dated July 27, 2007, pg. 3). The Examiner asserts that paragraph 0014 of the Specification

contradicts this claim limitation by disclosing that data can be accessed by certain applications even if the data is in a protected mode (*See Id.*). The Applicant respectfully disagrees with the Examiner's characterization of this section of the Specification.

Paragraph 0014 of the Specification describes various types of ring applications that correspond to the level of access they have to system resources. For example, a ring 3 program has limited access to system resources, while a ring 0 program has a higher level of access to system resources. Since some types of protected data may still allow access by ring 0 programs, one way a malicious program may attempt to access such data is by registering itself as a ring 0 program (*See* Application, paragraph 0014). However, the Specification continues by explaining that some other types of data may be further protected in which "*any* application or device" (emphasis added) is prevented from accessing the base address register (*See Id.* at paragraph 0027)—including ring 0 programs. Therefore, while a ring 0 program may gain access to certain types of protected data, other types of protected data remain *permanently* protected.

In addition, the Examiner contends that the Specification fails to disclose "receiving a request from any operating system supported process, **permanently**" as recited in independent claims 11 and 14 (*See* Office Action dated July 27, 2007, pg. 3). The Examiner explains that the Specification fails to disclose how a request may be permanently received in the event of physical damage to the device or a system failure (*See Id.* at pg. 4). Independent claims 11 and 14 have been amended to remove such limitation as well as clarify that the communication is with an operating system supported process with the highest level of access to system resources, consistent with the discussion above (*See e.g.*, amended independent claim 11: "receiving a request from an operating system supported process for a location of data, the operating system supported process having a highest level of access to system resources").

In view of at least the foregoing, it is readily apparent that the Specification sufficiently describes the invention as claimed in independent claims 1, 5, 8, 11, and 14 (and associated dependent claims 2-4, 6-7, 9-10, 12-13, and 15-20); thus, this rejection should be withdrawn.

III.   Allowable Subject Matter

The Applicant notes with appreciation that the Examiner has indicated that no prior art anticipates or renders obvious the subject matter of independent claims 1, 5, 8, 11, and 14 and

thus their dependent claims 2-4, 6-7, 9-10, 12-13, and 15-20. In light of the arguments set forth above, the Applicant believes that these claims are in condition for allowance.

CONCLUSION

In view of the foregoing, it is believed that claims 1-20 are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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